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09/225,233

01/04/1999

KEITH HENRY STOCKMAN CAMPBELL

SP-01-US-DIV-1

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11/05/2012

LAW OFFICE OF SALVATORE ARRIGO AND SCOTT LEE, LLP  
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EXAMINER

CROUCH, DEBORAH

ART UNIT

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NOTIFICATION DATE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE  
THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* KEITH HENRY STOCKMAN CAMPBELL  
and IAN WILMUT

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Appeal 2010-006828  
Application 09/225,233  
Technology Center 1600

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NAGUMO, *Administrative Patent Judge*.

ORDER (37 C.F.R. § 41.50(d))

At Oral argument today, counsel for Campbell argued that the recently decided “*Myriad*” appeal<sup>1</sup> had implications favorable to Campbell’s position in this appeal. That decision was issued after briefing was completed in this proceeding. Further discussion of the implications of the

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<sup>1</sup> *Association for Molecular Pathology v. U.S. Patent and Trademark Office*, 689 F.3d 1303 (Fed. Cir. 2012) (pet. cert. 25 September 2012).

Federal Circuit's opinion will be of assistance in reaching a reasoned decision in this pending appeal.

Accordingly, it is

ORDERED that Campbell is authorized to file a brief not exceeding ten (10) pages regarding the effect of the decision in *Myriad* on the issues before the Board;

FURTHER ORDERED that the factual record of the case shall not be enlarged;

FURTHER ORDERED that the brief shall be confined to the application of points of law to facts of record; and

FURTHER ORDERED that the brief shall be filed no later than 1 DECEMBER 2012.

Mark Nagumo  
Administrative Patent Judge

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